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PATENT APPLICATION

ATTORNEY DOCKET NO. 200206985-03

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): MARQUARDT, Traugott

Confirmation No.: 5353

Application No.: 10/629,703

Examiner: CHI Q NGUYEN

Filing Date: July 30, 2003

Group Art Unit: 3635

Title: UNDERFLOOR CABLE JUNCTION UNIT AND COMPUTER CENTER EQUIPPED WITH SUCH JUNCTION UNITS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on October 25, 2007.

☒ The fee for filing this Appeal Brief is $510.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120	☐ 2nd Month $460	☐ 3rd Month $1050	☐ 4th Month $1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Docket No. 200206985-03US (1509-429) PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	
Inventors: MARQUARDT, Traugott	: Confirmation No. 5353
U.S. Patent Application No. 10/629,703	: Group Art Unit: 3635
Filed: July 30, 2003	: Examiner: CHI Q NGUYEN
For: UNDERFLOOR CABLE JUNCTION UNIT AND COMPUTER CENTER EQUIPPED WITH SUCH JUNCTION UNITS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

BRIEF ON APPEAL

Further to the Notice of Appeal filed October 25, 2007, in connection with the above-identified application on appeal, herewith is Appellant's Brief on Appeal. The Commissioner is authorized to charge Deposit Account No. 08-2025 in the amount of $510 for the statutory fee.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

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TABLE OF AUTHORITIES

In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970) 8, 10

In re Venezia, 530 F.2d 956, 189 USPQ 149 (CCPA 1976) 10

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, L.P., a Texas limited partnership.

II. Related Appeals and Interferences

There are no related appeals and/or interferences.

III. Status of Claims

A. Total Number of Claims in Application

1. There are a total of 41 claims in the application, identified as claims 1, 2, 4 and 6-41.

B. Status of all the claims

1. Claims canceled: 3 and 5;

2. Claims withdrawn from consideration but not canceled: none;

3. Claims pending: 1, 2, 4 and 6-41;

4. Claims allowed: none;

5. Claims rejected: 6, 9-14, 26, 27 and 34;

6. Claims containing allowable subject matter, but dependent on a rejected claim and therefore objectionable: 1, 2, 4, 7, 8, 15-25, 28-33,

and 35-41; while the Office Action Summary groups claim 6 in this category, it is apparent, from the discussion on page 3 of the July 25, 2007 office action, that claim 6 is meant to be rejected.

C. Claims on Appeal

1. Claims on appeal are claims 6, 9-14, 26, 27 and 34.

IV. Status of Amendments

All amendments have been entered. There was no amendment in response to the July 25, 2007 non-final rejection.

V. Summary of Claimed Subject Matter

Claim 9, the only independent claim pending in the application, is directed to an underfloor cable junction unit 31 for installation in raised-floor system 13 above base floor 1 (Figures 1-4; title; abstract; page 4, lines 10-12; page 13, lines 20-22). The space between base floor 1 and raised floor 4 is a cooling air supply duct (page 4, lines 10-12; page 7, lines 17 and 18; page 14, lines 1 and 2). Junction unit 31 has dimensions enabling the unit to be located between the base floor 1 and raised floor 4 (Figures 1-3; page 13, lines 1-4). Unit 31 has opposite faces 33 (page 15, lines 5-9) on different horizontally spaced members in the form of face parts 34, that is legs 34, (Figures 1-3; page 16, line 1). Unit 31 also includes slide-in data connector units 38, (Figures 2-4; page 16, lines 1 and 2). Slide in data connector units 38 can be slid from outside unit 31 into junction unit 31 through at least one of the faces 33 of the junction unit (page 4, lines 23 and 20). Slide-in connector units 38 are located on at least two levels in junction unit 31, one above the other and are spaced vertically from each other (Figures 2 and 3) to

provide passage of cooling air in duct or slit 36 (Figure 3) through junction unit 31 between opposite faces 33 (page 4, lines 19-21; page 4, lines 24-26; page 5, lines 19-21; page 5, lines 25-28; page 8, lines 20-22; page 15, line 6-9.

Claim 34 requires unit 31 of claim 9 to be in combination with raised floor system 13, and specifically indicates unit 31 is below raised floor 4 and is on a structure in the form of a frame; the frame includes face parts 34 and sidebars 35 (Figure 2) on base floor 1 beneath raised floor 4 (page 17, lines 17-20).

Claim 6 requires underfloor cable junction unit 31 to have opposite faces 33 (Figures 2 and 4; page 15, lines 6-8) on different horizontally spaced members 34 and include rows 47 of connectors 48 (including copper data connectors 48a and fiber optic connectors 48b) that are on at least two levels (Figures 2 and 3; page 17, lines 28 and 29), one above the other. Each face 33 includes open slits 36 (Figure 3) between rows 47 of connectors 48 to provide passage of cooling air in the duct through junction unit 31 between both of faces 33 (page 8, lines 3-9; page 18, line 16-20). Open slits 36 thereby form part of the cooling air supply duct while cable junction unit 31 is installed in the cooling air duct between base floor 1 and raised floor 4 (page 15, lines 5-9).

Claim 10 indicates underfloor cable junction unit 31 is such that slide-in connector units 38 are fixed to junction unit 31 in a dismountable manner to enable units 38 to be removed, replaced or changed in position or enable further slide-in units 38 to be mounted, without dismounting junction unit 31 (page 8, lines 28-31). This result is achieved by fixing slide in units 38 to face parts 34 by screws 49 using one or more of threaded holes 44 (page 16, lines 12-15, 19 and 20).

Claim 11 states slide-in connector units 38 include data connector rows 48. The claim states at least some of connector rows 48 include copper data cable connectors 48a (Figures 2 and 4) in rows 47 and/or optical fiber connectors 48b (Figures 2 and 5) in rows 47 (page 9, lines 3-6; page 17, lines 27-29).

Claim 12 states the optical fiber connectors 48b in rows 47 of claim 11 are such that pre-fabricated optical break-out cables 10a (Figure 2 ; page 18, lines 11-15)

having pre-installed cable connectors can be plugged-in at the permanent-cable connection side of the connectors of junction unit 31, that is, the surfaces of face parts 34 facing toward the centers of Figures 2 and 4, without using a splice box (page 9, lines 7-11; page 14, line 28-page 15, line 4).

Claim 13 indicates junction unit 31 can accommodate slide-in connector units 38 (page 9, lines 20 9, 30) on the two opposing faces 33 of junction unit 31 where face parts 34 are located (page 16, lines 12-16; page 17, lines 14-16; page 22, lines 30 and 31).

Claim 14 requires underfloor cable junction unit 31 to be such that the junction unit has an inside, between face parts 34 (Figures 2 and 4). Connectors of slide-in connector units 38 are such that permanent cable connections 53 to cables 10 and 10a (Figures 1, 2 and 4) are at an inner side of the connectors facing the inside of the junction unit and plug-in patch cable connections 48 are at an outward-facing side of the connectors (page 5, lines 3-6; page 9, line 29-page 10, line 3; page 15, lines 12 and 13; page 18, lines 6-11; page 19, line 20; page 23, lines 2-6).

Claim 26 indicates underfloor cable junction unit 31 is in a computer center (Figure 7) having a raised floor 4 (Figure 1) on which computers 5 are arranged (page 14, line 4; page 19, lines 18 and 19). Raised floor 4 includes air outlets 6 (Figure 1; page 13, line 30-page 14, line 4) for supplying cooling air to computers 5. Space beneath raised floor 4 is in the cooling air supply duct for cooling computers 5. Raised floor 4 has at least one of the underfloor cable junction units 31 that connects computers 5 to permanent data cables 9 (Figures 1-4; page 14, lines 9-14) running under raised floor 4. Each junction unit 31 has opposite faces 33 and includes rows 47 of connectors 48 that are arranged on at least two levels, one above the other on one or more of faces 33 (Figure 2). Open slits 36 are in at least one of the faces 33 between rows 47 of connectors 48 to facilitate passage of cooling air through junction unit 31 from one of faces 33 to the other face 33 (page 15, lines 5-9).

Claim 27 requires the underfloor cable junction unit 31 to be in a computer center (Figure 7) having a raised floor 4 (Figure 1) on which computers 5 are

arranged (page 14, line 4; page 19, lines 18 and 19). Raised floor 4 has at least one of the underfloor cable junction units 31 that connects computers 5 to permanent data cables 9 (Figures 1-4; page 14, lines 9-14) running under raised floor 4.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Claims 9, 6, 10 and 13-14 are not anticipated by McCoy, US patent 875,279.

B. Claims 11 and 12 are not rendered obvious by McCoy.

C. Claims 26, 27 and 34 are not rendered obvious by McCoy in view of Mead, US patent 5,548,932.

VII. Argument

A. Claims 9, 6, 10 and 13-14 are not anticipated by McCoy, US patent 875,279.

1. Claim 9, upon which all claims depend, distinguishes over McCoy, as interpreted by the examiner, by requiring (1) an underfloor cable junction unit having dimensions enabling the unit to be located between a base floor and a raised floor; (2) the unit having opposite faces on different horizontally spaced members; (3) slide-in data connector units able to be slid from outside into the junction unit at at least one of its faces; and (4) the slide-in connector units... being spaced... from each other to provide passage of cooling air in a cooling air supply duct... between the opposite faces.

Regarding limitation (1) there is no mention in the office action of McCoy disclosing an underfloor cable junction unit having dimensions enabling the underfloor cable junction unit to be located between a base floor and a raised floor. Because every word of a claim must be considered, as set forth, for example, by In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970), the examiner has not attempted to establish a proper rejection under 35 USC 102(b).

Concerning limitation (2), the examiner has interpreted bottom piece 13 and cover 15 that encloses the upper end of the McCoy junction box as opposite faces on different horizontally spaced members. Obviously bottom piece 13, described on page 1, line 73 and cover 15, described on page 1, line 74 of McCoy are vertically spaced, with cover 15 directly above bottom piece 13. As result, piece 13 and cover 15 are not horizontally spaced members. Consequently, the examiner's interpretation of McCoy is contrary to the McCoy disclosure and the anticipation rejection is wrong, based on the examiner's interpretation.

To meet limitation (3) the examiner relies on clips 8 of McCoy. However, as is evident from an inspection of Figures 2 and 4, clips 8 are located inside the McCoy junction box and thus are not able to be slid from outside into the junction box. In addition, there is nothing in McCoy to indicate clips 8 are data connector units. An inspection of Figure 4 indicates each of clips 8 holds one of cables c in place by surrounding and being electrically connected to its associated cable, each of which is shown as a multifilar structure of the type employed in power cables. Certainly, the leads of a multifilar data cable would not be connected to a single clip. Instead, each individual electrical lead in a multifilar data cable would be connected to a single connector unit.

The examiner erroneously states Figure 2 of McCoy discloses requirement (4). Figure 2 and the description thereof indicate, that when the McCoy junction box is in operation with cables c and c2 in place in the perforations of bottom pieces 13 and 13a, the junction box is a closed structure between the bottom pieces and cover 15. Consequently, McCoy does not provide passage of cooling air in a duct through the junction unit between cover 15 and bottom pieces 13 as well as 13a.

Based on the foregoing, McCoy does not anticipate independent claim 9.

2. The anticipation rejection of dependent claim 6 is incorrect because McCoy, as interpreted by the examiner, does not disclose (1) different

horizontally spaced members; (2) opposite faces including open slits between rows of connectors to provide passage of cooling air in a duct through a junction box between the faces, or (3) open slits that form part of a cooling air supply duct while the cable junction unit is installed in the duct.

In this rejection, the examiner again states members 13 and 15 are horizontally spaced. Appellant, in connection with the rejection of claim 9, has discussed why members 13 and 15 are vertically spaced and not horizontally spaced.

With regard to item (2), the office action alleges faces 1 include open slits between connectors 8. An inspection of Figures 2 and 4 of McCoy indicates there are no open slits in front sides 1 and 1a between clips 8. Instead, these front sides on which clips 8 are mounted are shown as being solid.

With regard to item (3), McCoy has no disclosure of the junction box being located in a duct. In the rejection of claim 9, the examiner appeared to indicate the duct was within the McCoy junction box. Consequently, the position of the examiner with regard to claim 6 is contrary to the position set forth in connection with claim 9, upon which claim 6 depends.

The office action implies that the examiner has ignored the requirement of claim 6 for the open slits to provide passage of cooling air in a duct, wherein the open slits form part of a cooling air supply duct while the cable junction is installed in the duct. The position of the examiner is that the language is a recitation of intended use and there is no structural difference between claim 6 and McCoy. First of all, as discussed supra, there is a structural difference between claim 6 and McCoy, as interpreted by the examiner. In addition, the position of the examiner is contrary to requirement of In re Wilson, supra, to consider every word of the claim, and In re Venezia 530 F.2d 956, 189 USPQ 149 (CCPA 1976). In Venezia the court held that limitations such as "members adapted to be positioned" and "portions... being resiliently dilatable whereby

said housing may be slidably positioned" serve to precisely define structural attributes of interrelated components parts. Similarly, the recitation in claim 6 defines structural attributes of the open slits between the rows of connectors and cooling air in a duct through a junction box between opposite faces of the junction box, wherein the open slits form part of the cooling air supply duct while the cable junction unit is installed in the duct.

3. The rejection of claim 10 is incorrect because clips 8 of McCoy are not fixed to the McCoy junction box in a dismountable manner.

In this rejection, the examiner states the McCoy slide-in connector units, which he interprets as clips 8, are fixed to the McCoy junction box in a dismountable manner. However, page 1, lines 90-95 of the reference indicates that once clips 8 are put in place, the head of bolt 9 is soldered to clip 8 and the end of the bolt is soldered to metal spring pieces e, e2, d, d2 and nuts that apparently hold bolts 9 in place so that there is a solid electrical connection from the clip to the spring. Consequently, clips 8 of McCoy cannot be considered as being fixed to the McCoy junction box in a dismountable manner, and in particular in a dismountable manner to enable the connector units to be removed, replaced or changed in position or enable further slide-in units to be mounted without dismantling the junction box, as claim 10 requires.

4. The rejection of claim 13 incorrectly alleges McCoy includes slide-in connector units arranged at two opposing faces of the McCoy junction unit.

This rejection is incorrect because clips 8, which the examiner alleges are slide-in connector units, are not slide-in connector units, as discussed supra in connection with the rejections of claims 9 and 10.

B. Claims 11 and 12 are not rendered obvious by McCoy.

1. One of ordinary skill in the art would not have modified the McCoy junction box so that clips 8 include data connector rows, at least some of which include copper data cable connector rows and/or optical fiber connector rows, as claim 11 requires.

As discussed supra, for example in connection with claim 9, McCoy has no disclosure of data connectors. Certainly, clips 8 cannot be considered as data connector rows, no less copper data or optical fiber connector rows.

2. The rejection of claim 12 is wrong, inter alia, because the rejection fails to consider many of the limitations of claim 12.

In particular, the office action fails to mention the claim 12 requirements for optical fiber connector rows with connectors for enabling pre-fabricated optical break-out cables with pre-installed cable connectors to be plugged-in at a permanent-cable connections side of the McCoy junction box, without using a splice box. Consequently, the examiner has not attempted to establish a prima facie case of obviousness with regard to claim 12.

C. Claims 26, 27 and 34 are not rendered obvious by McCoy in view of Mead, US patent 5,548,932.

1. The rejections of claim 34, the broadest of these three claims, and claim 27, directed to a computer center including the underfloor cable junction unit of claim 9, with a specific recitation of the raised floor, are wrong because Mead fails to disclose a raised-floor system that is arranged as a cooling air supply duct.

Claims 27 and 34 indicate the under floor cable junction unit of claim 9 is in combination with the raised-floor system mentioned in claim 9. Claim 9 specifically indicates the raised floor system is above a base floor and the space between the base floor and the raised floor is arranged as a cooling air supply duct. Consequently, the examiner must show how Mead discloses such a raised-floor system including a cooling air supply duct. The examiner has not even attempted to indicate how Mead discloses a raised-floor system including a cooling air supply duct. Indeed, there is no disclosure in Mead of a cooling air supply duct being between subfloor 16 and floor panels 24 of raised floor assembly 10. Mead apparently did not appreciate the need for a cooling air

supply duct between subfloor 16 and floor panels 24. This is evident from the fact that data processing equipment 14 is substantially above floor panels 24 and there is no disclosure of coupling cooling air flowing between subfloor 16 and floor panels 24 to equipment 14.

The rejections of claims 27 and 34 are also incorrect because one of ordinary skill in the art would never have contemplated using the McCoy structure in an under floor cable junction unit having slide-in data connector units. As discussed supra, the McCoy structure does not appear to be and is not disclosed as being for data connector units.

2. The rejection of claim 26 is wrong for the same reasons advanced with regard to claims 27 and 34, and because Mead has no disclosure of the raised floor including panels 24 having air outlets for supplying cooling air to computers.

As discussed supra, in connection with the rejection of claims 27 and 34, Mead has no disclosure of coupling cooling airflow from between subfloor 16 and floor panels 24 to equipment 14. Certainly, there is no disclosure of air outlets in panels 24 of the raised floor having air outlets for supplying cooling air to equipment 14. Consequently, the examiner has made no attempt to establish a prima facie case of obviousness with respect to claim 26.

D. Conclusion

Neither applied reference discloses an underfloor cable junction unit associated with a raised floor system above a base floor, wherein the space between the floors is a cooling air supply duct. Consequently, McCoy fails to disclose a junction unit dimensioned to be located in such a cooling duct.

The examiner has interpreted clips 8 of McCoy, US Patent 875,279, to be the slide-in data connector units that can be slid from outside the McCoy

junction box into the McCoy junction box. McCoy has no disclosure of data connector units. Instead, McCoy appears to be concerned with a power junction box. Further, clips 8 cannot be slid from outside the McCoy junction box into the McCoy junction box because the McCoy junction box is closed, to prevent the region within the junction box from being a passage for cooling air in a cooling air supply duct between base and raised floors in which an under floor cable junction unit is installed. Clips 8 are firmly and permanently held in place, rather than being slidable, because the clips are soldered in place to bolts 9 and metal spring pieces e, e2, d and d2.

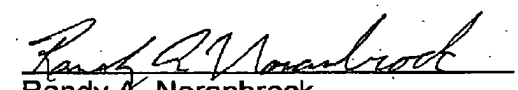
Many of the rejections are improper because all the claimed features are not considered in the office action. In addition, the examiner has, in many instances, misinterpreted McCoy; for example, he has considered bottom 13 and cover 15 at the upper end of the McCoy junction box to be horizontally spaced members, when in fact, bottom 13 and cover 15 are vertically spaced from each other, but are not horizontally spaced since the cover is stacked above the bottom.

The rejection of claims 26, 27 and 34 based on McCoy in view of Mead is improper because Mead has no disclosure of a cooling air supply between subfloor 16 and the floor including panels 24.

Reversal of the rejection is in order.

Respectfully submitted,

MARQUARDT, Traugott

By: 
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VIII. Claims Appendix

6. The underfloor cable junction unit of claim 9 wherein the unit has opposite faces on different horizontally spaced members and comprising rows of connectors arranged on at least two levels, one above the other, both of the faces including open slits between the rows of connectors to provide passage of cooling air in the duct through the junction between both of the faces, the open slits thereby forming part of the cooling air supply duct while the cable junction unit is installed in the duct.

9. An underfloor cable junction unit for installation in a raised-floor system above a base floor, the space between the base floor and the raised floor being arranged as a cooling air supply duct, the junction unit having dimensions enabling the unit to be located between the base and raised floors, the unit having opposite faces on different horizontally spaced members and comprising slide-in data connector units able to be slid from outside into the junction unit at at least one of its faces, the slide-in connector units being arranged on at least two levels in the junction unit, one above the other and being spaced vertically from each other to provide passage of cooling air in the duct through the junction unit between the opposite faces.

10. The underfloor cable junction unit of claim 9, wherein the slide-in connector units are fixed to the junction unit in a dismountable manner to enable them to be removed, replaced or changed in their position or enable further slide-in units to be mounted, without dismounting the junction unit.

11. The underfloor cable junction unit of claim **9**, wherein the slide-in connector units have data connector rows, at least some of the connector rows, including at least one of copper data cable connector rows and optical fiber connector rows.

12. The underfloor cable junction unit of claim **11**, having optical fiber connector rows with connectors for enabling pre-fabricated optical break-out cables with pre-installed cable connectors to be plugged-in at the permanent-cable connection side of the junction unit connectors, without using a splice box.

13. The underfloor cable junction unit of claim **9**, arranged to accommodate slide-in connector units on the two opposing faces of the junction unit.

14. The underfloor cable junction unit of claim **9** wherein the junction unit has an inside, and wherein connectors of the slide-in connector units are arranged such that permanent cable connections are at an inner side of the connectors facing the inside of the junction unit and plug-in patch cable connections are at an outward-facing side of the connectors.

26. The underfloor cable junction unit of claim **9** wherein the junction is included in a computer center having a raised floor on which computers are arranged, said raised floor including air outlets for supplying cooling air to the computers, space beneath the raised floor being included in the cooling air supply duct, the cooling air supply duct being for cooling the computers, said raised floor being equipped with at least one of the underfloor cable junction units that connects the computers to permanent data cables running under the raised floor, each junction unit having opposite faces and comprising rows of connectors arranged on at least two levels, one above the other, at at least one of the faces, wherein open slits are in at

least one of the faces between the rows of connectors to facilitate passage of cooling air through the junction unit from face to face.

27. The underfloor cable junction unit of claim **9** wherein the junction is included in a computer center having a raised floor on which computers are arranged, said raised floor being equipped with at least one of the underfloor cable junction units that connects the computers to permanent data cables running under the raised floor.

34. The unit of claim **9**, in combination with the raised-floor system, wherein the unit is below the raised floor of the raised-floor system, and is on a structure on a base floor beneath the raised floor.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.